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Attorney for Plaintiff  
PETRA A. MARTINEZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETRA A. MARTINEZ,

Plaintiff,

v.

AMERICA'S WHOLESALE LENDER, *Et al.*,

Defendants.

CASE NO.: 3-09-CIV-5630WHA

**MICHAEL PATRICK ROONEY, ESQ.'S  
DECLARATION PURSUANT TO FRCP  
56(F) IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Department: 450 Golden Gate Ave.  
San Francisco, CA 94102  
Courtroom 9, 19th Floor

Judge: Hon. William Alsup

Date: 3/4/10

Time: 8:00 a.m.

DECLARATION OF MICHAEL ROONEY PURSUANT TO 56F

In opposition to Summary Judgment, I Michael Patrick Rooney, Esq. do declare:

1. I am over 18 years old and not a party to this case.

2. I am counsel for Plaintiff Petra Martinez.

3. In opposing the Summary Judgment Motion, I have found reason to doubt the qualifications and credibility of the witnesses who submitted declarations in support of the Motion

1 in that there are factual inaccuracies, including but not limited to mystery surrounding the dates on  
 2 the documents purportedly signed by my client, the roles of the various defendant parties, and the  
 3 authentication of exhibits. Therefore, I need to take depositions of Eva Tapia, George Merziotis,  
 4 and Michael Cerchio, who have each shown themselves to be employees of interested parties who  
 5 testify without adequate personal knowledge of any matters involved, and seek to rely on evidence  
 6 which is apparently electronically stored and provide no evidence as to the data security safeguards  
 7 or other procedures for maintaining such records. I need to depose the defendants purported  
 8 witnesses to question their knowledge, bias, credibility and even the existence and authenticity of  
 9 the documents they claim to have reviewed.  
 10  
 11  
 12

13 4. To the extent that the court does not grant summary judgment to Petra Martinez, Plaintiff  
 14 seeks written discovery as in any other lawsuit pending before the court.  
 15

16 5. Delivery of the mortgage note to the alleged Party in Interest has become an issue under  
 17 the PSA. I need to conduct discovery on the specific facts surrounding this.  
 18

19 6. The circumstances surrounding the origination of this loan are highly suspect and  
 20 discovery is needed to investigate the issues complained of in Petra Martinez's Declaration in  
 21 Support.  
 22

23 I submit this declaration under the penalty of perjury.  
 24

25 Dated: February 11, 2010

26 By: \_\_\_\_\_/S/  
 Michael Patrick Rooney, Esq.  
 27  
 28  
 29  
 30